REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The present application includes five independent claims directed to various aspects of the present invention. Claims 1 and 2 are directed to a mounting structure for a damper. As recited in claim 1, the mounting structure includes a mounting portion of the damper and a closed section of a vehicle body frame. The damper mounting portion is fixed to a lower surface of the vehicle body frame closed section. As recited in claim 2, the damper mounting portion includes a temporary fixing means that cooperates with the vehicle body to temporarily fix the damper to the body. Further, the damper mounting portion and vehicle body cooperate to receive fasteners to fix the damper in place, and the fasteners are installed from below the body. Claim 6 defines a damper in combination with a vehicle frame, wherein the damper has a mounting portion that cooperates with a lower member of the frame to secure the damper to the frame.

Claims 4 and 5 are directed to methods for securing a damper to a vehicle. The damper includes a mounting portion having one or more locking projections, where the mounting portion is at a position on the damper displaced from an upper end of the damper. The vehicle includes a vehicle body frame having a lower member. The lower member has an upper surface, a lower surface, and defines an opening through which the damper extends. The lower member also defines one or

more one locking bores.

The methods of claims 4 and 5 include the steps of: inserting the damper into the opening from below; aligning the locking projection with the locking bore; inserting the locking projection through the locking bore; and rotating the damper such that the locking projection moves relative to the locking bore and is disposed adjacent to the lower member upper surface and out of alignment with the locking bore. Claim 5 includes the further steps of simultaneously moving the mounting portion bolt bore into alignment with the lower member bolt bore as the locking projection is moved out of alignment with the locking bore, and inserting a bolt through the aligned bolt bores to secure the damper to the vehicle body frame.

The apparatus structure and method steps recited in the present claims is very different from the prior art relied on by the Examiner.

Claims 1, 2, 4-8, 10 and 12 had been rejected under Section 102(b) as allegedly being anticipated by Fiedler et al. This rejection is respectfully traversed.

Fiedler et al. shows a suspension strut assembly for a motor vehicle. Fiedler et al. discloses a suspension strut 24 (i.e. a damper) that is received within a dome-like turret portion 45 in the front body portion 11 of a vehicle. A resilient intermediate member 39 is provided for "supporting the entire suspension strut" (col. 4, line 26) and for "transmitting the whole of the wheel load to the vehicle superstructure" (col. 4, lines 54-56). The turret portion 45 includes an aperture 48 with two lug-like widenings 49, of the same shape as lug-shaped extensions 43 on the resilient member 39. After being inserted into the widenings 49 (from above), the resilient member 39 with lug-shaped extensions 43 is rotated 90 degrees. The lug-shaped extensions become aligned underneath the turret portion 45 so as to be secured

with screws 44, 44a. It is noted that the screws are inserted through the turret portion 45 and extensions 43 from above. The screws 44, 44a can be removed, "whereupon the intermediate member 39 can be withdrawn in an upward direction out through the aperture 48" (col. 5, line 1-15, emphasis added).

It is shown in Figs. 1 and 2 of Fiedler et al. that the dome 45 is open at the bottom to receive the strut 24, and therefore cannot be construed as having a "closed section" as required by independent claims 1 and 6. Further, the independent claims 1, 4, 5 and 6 require that the vehicle frame includes a lower member to which a mounting portion of the damper is fixed. This is different from the open-bottomed dome or turret 45 of Fiedler et al. Indeed, the mounting connection of Fiedler's resilient intermediate member 39 is at the top of the strut 24, and connects to the vehicle structure at the top of the turret portion 45. Therefore, Fielder et al. cannot be construed as showing a "mounting portion" that connects with a "lower member" in a manner that would meet the requirements of the present claims.

It is further noted that independent claims 4, 5 and 6 recite that the vehicle body frame lower member has an opening, through which the upper end of the damper is inserted from below. It is submitted that Fiedler et al. does not teach this structure, but rather teaches that the strut is inserted through the opening in the turret 45 from above. Further, the Fiedler strut is not inserted through an opening in the body frame, except from above. In other words, if the Fiedler strut is inserted from below, it will not be inserted through the opening in the turret 45, but rather will be moved into engagement with the downwardly facing surface surrounding the turret opening, without ever passing through the turret opening.

It is further noted that claims 4 and 5 recite that the mounting portion includes locking projections that are inserted through locking bores and that the damper is rotated to as to bring these components into engagement. Claim 5 adds that this rotation aligns bolt bores in the mounting portion with associated bolt bores in the body frame. The bolt bores receive bolts to secure the damper to the vehicle frame. Similar structure is defined in claim 10.

It should be appreciated that the present invention is very different from Fiedler's structure. Fiedler's two lug-like widenings 49 are sized and shaped merely to allow the lug-shaped extensions 43 to pass through the aperture 48. Once through the aperture 48, the resilient member 39 would simply abut the underside of the turret portion 45. Without the screws 44, 44a, there is no possible securement with the Fiedler arrangement, unlike the present locking projections that are secured through the locking bores to temporarily hold the damper in place. Therefore, Fielder cannot be relied upon to show such structure, nor a step of inserting a locking projection through a locking bore, as required by the present claims.

With respect to claim 12, it is considered apparent that Fiedler does not provide the mounting portion, as defined in claim 6 from which claim 12 depends, wherein the mounting portion is "an upper spring seat of the damper", as required. Reconsideration and withdrawal of the rejection of claim 12 is requested.

In view of the above, it is respectfully submitted that Fiedler et al. fails to disclose every aspect of the presently claimed invention, as required in order to show anticipation under Section 102 (see MPEP 706.02). Reconsideration and withdrawal of the rejection of claims 1, 2, 4-8, 10, and 12 is respectfully requested.

Claims 3, 9, and 11 stand rejected as being unpatentable over Fiedler in view

of US 6,161,822 to Hurst et al. Hurst is cited for teaching a hook-shaped locking projection to temporarily attach a mounting plate of a damper, and then securing with fasteners. For the following reasons, the Examiner's rejection is respectfully traversed.

Hurst teaches assembling a damper upper mount assembly by fixing an upper plate 18 to a lower plate 20 (Fig. 2). The lower plate 20 includes projections or tabs 39 that are received over associated projections or tabs 41 on the upper plate 18. Once the plates are rotated to bring the tabs into engagement, the upper and lower plates 18, 20 are fixed together by fasteners 44. It is specifically pointed out that this structure and method relates to assembly of the damper, not attachment of the damper to the vehicle.

Accordingly, Hurst teaches a structure and method for assembly of an upper mount of a damper. However, Hurst does not teach or suggest a structure and method for securing a damper to a vehicle body frame, which is the subject of the present invention. Therefore, it is respectfully submitted that Hurst does not teach that for which it has been cited. Insofar as none of the references teach the subject matter of the independent claims, let alone claims 3, 9, and 11, even if the references were combined as advocated by the Examiner, the present invention would not result. Therefore, reconsideration and withdrawal of the rejections of claims 3, 9, and 11 is hereby requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned to expedite prosecution

of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. OCH-15285.

Respectfully submitted,

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